

## **REMARKS**

Applicants are filing this Response within the shortened statutory period. Consequently, Applicants believe that no fee is due with this filing; however, if a fee is due please charge Deposit Account No. 502295.

The Office Action Summary does not indicate the status of the drawings filed on December 12, 2003. Applicants request that the Examiner indicate whether the drawings are accepted or are objected to in the next communication.

Claims 1-33 were presented for examination. The Office Action mailed October 26, 2007 rejects claims 1-33. Applicants herein cancel claims 19-25 and amend claims 1, 11, 26 and 27 to more clearly recite Applicants' invention. Claims 1-18 and 26-33 remain pending in the application.

### **Rejection of Claims 19-25 under 35 U.S.C. §101**

The Office Action rejects claims 19-25 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants herein cancel claims 19-25 thereby rendering the rejection moot.

### **Rejection of Claims 1, 11, 13 and 27 under 35 U.S.C. §102(e)**

The Office Action rejects claims 1, 11, 13 and 27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,096,255 to Malik (hereinafter "Malik"). Applicants respectfully traverse the rejection to the extent it is maintained against these claims as now set forth because the cited reference does not teach or suggest every element of Applicants' claimed invention.

Applicants' invention relates to a method for managing interruptions to a user on a network. Interruptions include chat messages and similar electronic messages that are delivered over the network to the user. Interruptions are typically presented to the user

through a graphical user interface on a display and can be accompanied by an audible alert. According to the method, interruptions can be presented to the user or withheld based on temporary and permanent reception lists that indicate senders from whom the network user is willing to accept an interruption.

Representative claim 1 of Applicants' invention recites, in relevant parts, "modifying a temporary reception list in response to one of a retrospective activity and a prospective activity, the permanent reception list and temporary reception list each indicating at least one sender from whom the network user is willing to accept an interruption" and "receiving an interruption from one of the senders on the network."

Malik teaches a system for providing a list of temporary contacts to a user in a resource list. A temporary contact remains in the resource list for a limited time. After an expiration time, the contact is no longer present in the resource list. Malik discloses that the resource list can include a list of other users for whom the client wished to know the status and can also include access to applications (e.g., Microsoft Word, Microsoft Visio and billing entry applications) (see col. 7, lines 3-21). The use of temporary contacts which expire after certain durations keeps a resource list from becoming cluttered and unmanageable (col. 7, lines 44-60).

Unlike Applicants' claimed invention, Malik is not interested in managing interruptions to a network user. Notably, the words "interrupt" and "interruption" do not occur even once in the disclosure of Malik. Moreover, Malik does not teach a reception list but instead teaches a resource list. Applicants' claimed reception lists are used to screen interruptions (paragraph [00017], lines 7-9). The reception lists identify individuals or groups of people from whom the user is willing to accept chats and other types of interruptions (paragraph [00019]). Malik does not teach or suggest reception lists or anything that performs the role or function of Applicants' reception lists. Instead, as discussed above, Malik teaches a resource list that Malik describes as a list of other users and applications for which the user wishes to know the status (column 7, lines 3-13). Applicants have amended independent claim 1 herein to more clearly recite that Applicants' permanent and temporary reception lists

are used to indicate one or more senders from whom the network user is willing to accept an interruption.

Regarding an additional distinction, Applicants submit that Malik does not teach receiving interruptions. The Office Action states that Malik teaches receiving an interruption in the form of a routing request and cites column 7, line 32 of Malik. Applicants respectfully disagree. Malik states in the cited text that “[u]pon receiving the routing request, the service router 225 will determine the correct routing of the routing request and deliver the proper service to the client computer 170.” Applicants point out that the routing request is received by the service router, not the client device or user, therefore the routing request should not be construed to be an interruption. Moreover, if a service is provided to a user based on the request received by the service router, the provided service is in response to the request and therefore any response to the client device or user based on a routing request should not be considered to be an interruption to the user.

As Malik does not teach or suggest each and every limitation in claim 1 as now set forth, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. 102(e) be withdrawn. Independent claims 11 and 27 as now set forth include similar language to representative claim 1 and therefore are patentable for at least those reasons provided with respect to claim 1. Claim 13 depends directly from patentable independent claim 11 and incorporates all of the limitations of claim 11. Therefore Applicants submit that claim 13 is also patentably distinguishable over the cited reference for at least those reasons provided above in connection with claim 1, and Applicants respectfully request that the rejection of claim 13 also be withdrawn.

**Rejection of Claims 2-10, 12, 14-26 and 28-33 under 35 U.S.C. §103(a)**

The Office Action rejects claims 2-10, 12, 14-26 and 28-33 under 35 U.S.C. §103(a) as being unpatentable over Malik in view of one or more of the following references: U.S. Patent No. 7,139,806 to Hayes et al. (hereinafter “Hayes”); U.S. Patent Publication No. 2003/0055908 to Brown et al. (hereinafter “Brown”); U.S. Patent Publication

No. 2005/0055405 to Kaminsky et al. (hereinafter “Kaminsky”); U.S. Patent No. 6,988,128 to Alexander et al. (hereinafter “Alexander”); and U.S. Patent Publication No. 2004/0068545 to Daniell et al. (hereinafter “Daniell”). Claims 20-25 are herein canceled thus their rejection is rendered moot. Applicants respectfully traverse the rejection of claims 2-10, 12, 14-18, 26 and 28-33 to the extent that the rejection of these claims as now set forth is maintained.

Hayes, Brown, Kaminsky, Alexander and Daniell are used in the Office Action to show limitations in the respective claims that are not taught or suggested by Malik; however, these references also do not teach or suggest the claim limitations identified above as missing from Malik.

Independent claim 26 recites similar language to representative claim 1 as discussed above and therefore is patentable for at least those reasons provided above with respect to claim 1. Thus Applicants respectfully request that the rejection of claim 26 be withdrawn. Dependent claims 2-10, 12, 14-18 and 28-33 depend directly or indirectly from allowable base claims and incorporate all of the limitations of the respective base claim. Therefore Applicants submit that these dependent claims are also allowable based on the reasons provided above in connection with claim 1, and Applicants respectfully request that the rejection of claims 2-10, 12, 14-18 and 28-33 be withdrawn.

## CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

In view of the remarks made herein, Applicants submit that the application is in condition for allowance and request early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the Applicants' representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

Respectfully submitted,

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